

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

UNITED STATES OF AMERICA)	
)	DOCKET NO. 5:20CR88-KDB
v.)	
)	
MICHAEL SCOTT HOOVER)	
)	

NOTICE OF INTENT TO CALL EXPERT WITNESS

NOW COMES the United States of America, by and through William T. Stetzer, Acting United States Attorney for the Western District of North Carolina, to provide notice pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure, and Rules 702 and 703 of the Federal Rules of Evidence, of its intent to elicit expert testimony from and offer at trial North Carolina State Bureau of Investigation (“SBI”) Assistant Special Agent in Charge (“ASAC”) Nathan S. Anderson as an expert in the Extraction and Forensic Examination of Digital Evidence. ASAC Anderson’s credentials and qualifications are set forth in his curriculum vitae, which is attached to this notice. The government has provided the defendant with the reports summarizing the results of his examination.

This witness will generally provide relevant fact testimony about the digital evidence examinations performed on an Apple iPhone 7 plus cell phone that belonged to the defendant in this case. He will describe the use of forensic software to extract data from this device and what he found on the device.

ASAC Anderson may provide related testimony reflecting “specialized knowledge” regarding relevant matters, including but not limited to basics on the function, organization, and related aspects of cell phones. More specifically, the government expects that he may offer

testimony and/or opinions addressing the following topics:

- the operating system, files, software, applications, and programs located on the device;
- the set up of the device, including user accounts/profiles, contact lists, and passwords;
- evidence related to specific files, including child erotica and child pornography, located on the device, including but not limited to information about where they were stored, and the significance of where they were stored, EXIF data, creation dates, etc.;
- testimony explaining how data is stored on this device;
- testimony about how files, images, videos, documents, and other data are deleted and stored on cell phones;
- regarding evidence of web browsing activity;
- regarding forensic hashing, which is the process of using a mathematical function, often called an algorithm, to generate a numerical identifier for data (such as a particular file). If the data is changed, even very slightly (such as the addition or deletion of a comma or a period), the identifier should change. A hash value can be thought of as a “digital fingerprint” for data.

The opinions and testimony of ASAC Anderson are based on his training and experience, on his knowledge of the case, and on his examination of the digital evidence seized in this case. The evidence that was examined as well as the derivative evidence has been and remain available for inspection and review by the defendant.

If specialized knowledge will assist the trier of fact in understanding the evidence or determining a fact in issue, a qualified expert witness may provide opinion testimony on the issue in question. Fed. R. Evid. 702.

The government reserves the right to supplement this Notice. The government requests that

the defendant provide a written summary of any testimony he intends to offer under Rules 702, 703, or 705 of the Federal Rules of Evidence.

Respectfully submitted this 2nd day of April, 2021.

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